

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

In re Ethicon, Inc. Pelvic Repair System  
Products Liability Litigation

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

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**APPLICATION OF W. TODD HARVEY FOR APPOINTMENT  
TO THE PLAINTIFF'S STEERING COMMITTEE**

In accordance with Paragraph 19 of Pretrial Order No. 1 (Initial Conference and Case Management Order), the undersigned makes this Application to the Court for appointment to the Plaintiff's Steering Committee. In support of said Application, movant states as follows:

1. I am a partner with the law firm of Burke, Harvey & Frankowski, LLC located in Birmingham, Alabama. I am a 1994 graduate of Samford University Cumberland School of Law. I am a member in good standing of the State Bars of Alabama and Georgia, the Northern, Middle and Southern Districts of Alabama and the Northern and Middle Districts of Georgia. A copy of a Certificate of Good Standing from the Alabama Supreme Court is attached hereto as **"Exhibit 1"**.

2. My practice primarily concentrates on complex civil litigation including predominately products liability involving pharmaceuticals and medical devices. I am the partner in charge of Pharmaceutical and Medical Device litigation at my firm and I have been actively involved in representing clients and litigating cases involving pharmaceutical products and medical devices for over twelve years. I have been involved in litigating pharmaceutical cases in numerous federal court and state court proceedings across the country including litigation involving Zyprexa, Seroquel, Ortho Evra, Gadolinium Based Contrast Dyes and AMO

Contact Lens Solution. Currently, I am involved in actively litigating cases including Yaz/Yasmin Birth Control cases, Avandia cases, Shoulder Pain Pump Cases and Women's Pelvic Repair Mesh cases.

3. I am uniquely situated to serve on the Plaintiff's Steering Committee in this litigation. I have extensive experience litigating cases involving women's pelvic repair products dating back to the early 2000's. First, I was involved in litigating cases on behalf of women who were implanted with the Protegen Sling, a mesh product manufactured and sold by Boston Scientific. Just recently I was involved in litigating cases on behalf of women implanted with pelvic repair products manufactured by Mentor Corporation. Those cases were consolidated in MDL 2004 in the United States District Court for the Middle District of Georgia before the Hon. Clay D. Land. I worked very closely with Henry Garrard and his firm Blasingame, Burch, Garrard & Ashley on the Mentor litigation. Since 2009, I have been working with Mr. Garrard and his firm representing numerous clients in the C. R. Bard litigation Pelvic Repair Device litigation (MDL 2187).

4. Currently, Burke, Harvey & Frankowski, LLC represents several hundred women implanted with various pelvic repair products. We are actively reviewing, preparing and filing these cases. We expect to be retained by additional clients around the country to represent them. We are working very closely with and cooperating with other law firms involved in the women's pelvic repair mesh litigation to work toward an efficient and speedy resolution of these claims on behalf of our clients.

5. Burke Harvey & Frankowski, LLC has a national presence in complex litigation. In addition to extensive involvement in pharmaceutical and medical device litigation as briefly set out above, the firm is also currently involved in representing plaintiffs in anti-trust cases,

consumer class action cases including Fair Credit Reporting Act and wage and hour litigation and securities litigation. The lawyers and staff at Burke, Harvey & Frankowski, LLC have a wide range of experience in many areas of litigation which I submit will be an asset to this litigation.

Based upon the forgoing, the undersigned respectfully requests that the Court appoint W. Todd Harvey with Burke, Harvey & Frankowski, LLC to Plaintiff's Steering Committee in the Ethicon, Inc. Pelvic Repair System Products Liability Litigation.

This 29<sup>th</sup> day of March, 2012.

By: /s/ W. Todd Harvey

W. Todd Harvey

Alabama Bar No. ASB-3215-E64W

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

By: /s/ W. Todd Harvey

W. Todd Harvey

Alabama Bar No. ASB-3215-E64W

Burke Harvey & Frankowski, LLC

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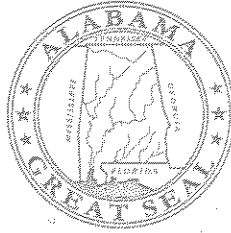
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# **EXHIBIT “1”**

# The Supreme Court of Alabama



## Certificate Of Admission

*I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that* William T. Harvey *was duly and legally admitted to practice law by the Supreme Court of Alabama on* September 30, 1994 *and is now an attorney in good standing at the Bar of this Court, as shown by the records of said Court on file in this office.*

*I further certify that the Supreme Court of Alabama is the highest court of record in this State.*

*Done on* March 28, 2012 *with the seal of the Supreme Court of Alabama attached.*



*Robert G. Esdale*

*Robert G. Esdale, Clerk  
Supreme Court of Alabama*